

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

EDWINA THERESA SELLERS,

Plaintiff,

v.

DIRECT RECOVERY SERVICES,
L.L.C.,

Defendant.

2:18-cv-11955-GAD-RSW

Honorable Gershwin A. Drain

Magistrate Hon. R. Steven
Whalen

**PLAINTIFF’S MOTION TO QUASH SERVICE AS TO
WELLS FARGO BANK, N.A.**

NOW COMES, Edwina Theresa Sellers (“Plaintiff”), by and through her counsel, Sulaiman Law Group, Ltd. moving this Honorable Court to Quash Service as to Wells Fargo Bank, N.A, and in support thereof, stating as follows:

1. On June 20, 2018, Plaintiff filed a Complaint for Relief Pursuant to the Fair Debt Collection Protection Act, Telephone Consumer Protection Act and Michigan Occupational Code. [Dkt. #1]
2. Direct Recovery Services, L.L.C (“Defendant”) never filed an answer to Plaintiff’s Complaint and on July 24, 2018, Plaintiff filed a Motion for Default Judgment against the Defendant. [Dkt. #10].
3. On October 2, 2018, this Honorable Court entered an order granting Plaintiff’s Motion for Default Judgment against Defendant. [Dkt No. #13].

4. On February 26, 2018, Plaintiff file a Request for Writ of Garnishment to be served upon Wells Fargo Bank, N.A, which is believed to the location where Defendant maintain its bank account(s).

5. On March 11, 2019, this Honorable Court issued a Non- Periodic Writ of garnishment as to Defendant and Wells Fargo Bank, N. A. and send a copy to Plaintiff's Counsel via mail [Dkt No. 17].

6. On March 11, 2019, Plaintiff's counsel sent a copy of Writ of Garnishment to Wells Fargo Bank, N.A. via certified mail, which included a twenty digit tracking number.

7. On March 29, 2019, Plaintiff filed its Certificate of Service of serving its Writ of Garnishment on Wells Fargo Bank, N.A.

8. Plaintiff's counsel has attempted to track this package on the United States Postal Service's ("USPS") website and to date the website shows that since March 16, 2019 this packet is out for delivery to Wells Fargo Bank, N.A. *See* Exhibit A which contains a print out from the USPS website containing this information.

9. Plaintiff's counsel has called the local USPS store handling this package and they were not able to any information on the whereabouts of this package.

10. At this time, it appear that this package has been lost in the mail and Plaintiff's counsel will need to re-serve the Writ of Garnishment on Wells Fargo Bank, N.A.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant Plaintiff's Motion to Quash Service as to Defendant, Wells Fargo Bank, N.A., and any further relief this Court deems just.

Dated: April 23, 2019

Respectfully submitted,

/s/ Nathan C. Volheim
Nathan C. Volheim
Counsel for Plaintiff
Sulaiman Law Group, Ltd.
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Lombard, IL 60148
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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Plaintiff, certifies that April 23, 2019, he caused a copy of the foregoing PLAINTIFF'S MOTION TO QUASH SERVICE AS TO WELLS FARGO BANK, N.A., to be served by U.S. mail on:

Direct Recovery Services, L.L.C
115 Waterfront Drive
Two Harbors, Minnesota 55616

Direct Recovery Services, L.L.C
629 7th Avenue
Two Harbors, Minnesota 55616

Direct Recovery Services, L.L.C
P.O. Box 14
Two Harbors, Minnesota 55616

Wells Fargo Bank, N.A.
101 North Phillips Avenue
Sioux Falls, South Dakota 5104

/s/ Nathan C. Volheim

Nathan C. Volheim